

## MARK A. PETERSON

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### EDUCATION

B.A. (summa cum laude), 1966, University of Minnesota  
J.D. (cum laude), 1969, Harvard Law School  
M.A. Social Psychology, 1973, UCLA  
Ph.D. Social Psychology, 1976, UCLA

### ACADEMIC EXPERIENCE

**1976-2002--Senior Research Scientist, RAND, Santa Monica, California. Policy analysis and research on U.S. civil and criminal justice systems.**

- Founding Member of RAND's Institute for Civil Justice (ICJ), 1980
  - ICJ studies U.S. civil justice system using “an interdisciplinary empirical approach to public policy issues and rigorous standards of quality, objectivity and independence” ([www.rand.org/icj](http://www.rand.org/icj)).
  - Principal Investigator for ICJ studies in following areas
    - **Litigation Process.** Originated a new research area of systematic, empirical analysis of jury verdicts. Collected massive data on all civil jury verdicts reported in California and Cook County, Illinois, between 1959-1985 and then extending data collection to other states. Analyzed how juries' verdicts differed and changed over time by type of claims, severity and type of injury, economic losses, characteristics of plaintiffs and defendants, venue.
    - **Settlement Process.** Combined social science and computer science (artificial intelligence) to study how parties settle product liability claims. Developed a computer expert system to simulate lawyers' settlement decisions in product liability cases as revealed through extensive Socratic interviews of experienced trial lawyers and insurance claims persons.
    - **Settlement Process in Asbestos Claims.** Used social science and computer science methods to develop an expert system to simulate lawyers' settlement decisions in asbestos cases as revealed through extensive Socratic interviews of experienced plaintiffs and defense lawyers and insurance claims persons. Research was for and used by the U.S. District Court for the Northern District of Ohio and the Manville Personal Injury Settlement Trust.
    - **Mass Torts.** Case studies of asbestos and other mass torts based on interviews with participants, quantitative analyses of available data and research of existing records and articles. Looked across various mass torts to derived general empirical and theoretical observations about origins, characteristics, and methods for resolving mass torts.

- **Punitive Damages.** Analyzed years of jury verdict data to described frequency, size, and types of cases in which punitive damages are awarded; trends over time; effects of post-trial actions; possible effects of legal changes. In collaboration with Special Committee on Punitive Damages of the Litigation Section of the American Bar Association.
- **Workers Compensation.** Large scale quantitative and descriptive evaluation of California's workers compensation system with suggestions for change of that system. Work was for the California Commission on Health and Safety and Workers Compensation.
- **Economic Effects of Product Liability Law.** Case studies and statistical analyses of selected industries.
- Criminal Justice Program
  - Principal Investigator for studies in following areas
    - **RAND Criminal Offender Survey.** Survey of inmates in five California prisons. Estimated crime parameters; examined incapacitation effects; examined relationships between crime and inmate characteristics.
    - **RAND Criminal Offender Survey II.** Examined pre-incarceration crimes for sample of 2500 jail and prison inmates in three states.
    - **Effects of California Determinate Sentencing.**
- Author of 32 publications
- Teaching
  - **Law School, University of California, Los Angeles.** Visiting Professor. Advanced Torts: Mass Torts; Law and Social Sciences Seminar, Fall 1989.
  - **RAND Graduate School.** Policy Analysis of Legal Issues, Fall 1984.
  - **Department of Psychology, University of California, Los Angeles.** Psychological Analyses of Legal Issues, Spring 1973, Spring 1975.
  - **Law School, University of California, Los Angeles.** Trial Tactics Spring 1974, Fall 1974, Spring 1975.

## PROFESSIONAL EXPERIENCE

### 1984-Present--Legal Analysis Systems, Inc. Special master, expert consultant in complex litigation.

- Special Master and Expert for Courts in Asbestos Litigation
  - Special Advisor to **Judge Jack B. Weinstein**, U.S. District Courts for Eastern and Southern Districts of New York and **Judge Burton Lifland**, U.S. Bankruptcy Court for Southern District of New York, to restructure the insolvent Manville Personal Injury Settlement Trust. Worked as Courts' special master and technical consultant in the Findley v. Falise, mandatory, limited fund class action. 1990-1995.
  - Special Advisor to the Manville Trust: appointed by the Courts as part of the settlement of the Findley class action to direct dispute resolution and provide technical consultation to the Courts, the Trust and each of the Trust's bodily injury claimants,

co-defendants, distributors and future claimants beneficiary groups. 1995-2007.

- Became a trustee of the Manville Personal Injury Settlement Trust in July 2007.
- Neutral expert for **Judge Robert Parker**, U.S. District Court, Eastern District of Texas. Worked as the Court's expert in Jenkins v Raymark class action to collecting and evaluate empirical data about asbestos injury claims. 1984-1985.
- Neutral expert for **Judge Thomas Lambros**, U.S. District Court, Northern District of Ohio. Worked as expert in Ohio Asbestos Litigation Plan (1) to develop an expert system for valuing asbestos claims based on interviews with plaintiffs and defense lawyers and insurance claims persons, (2) collected and evaluated data about pending and resolved asbestos injury claims to identify resolved claims that could be used as precedents for settling pending claims. 1983-1988. Expert system was done as research within RAND's ICJ.
- Expert for Courts in Other Mass Tort Litigation
  - Neutral expert for **Judge Robert Merhige**, U.S. District Court for Eastern District of Virginia. Worked as expert in Bankruptcy of A. H. Robins Company, Inc. to develop "expert system" of medical and claims issues for evaluating Dalkon Shield claims, to oversee development of claims data bases and to conduct statistical analyses to evaluate Dalkon Shield claims.
- U. S. Senate Committee on Judiciary
  - Testified on asbestos liabilities and proposed legislation on three occasions. June 2003, November 2005, February 2006.
- Trustee of Asbestos Trusts and Director of Asbestos Claims Facilities
  - **Trustee of Manville Personal Injury Settlement Trust.** 2007-present.
  - **Trustee of Fuller-Austin Settlement Trust.** 1998-present.
  - **Director of Claims Resolution Management Corporation**, which administers claims for Manville, H. K. Porter and other trusts. 2007-present.
  - **Director of Trust Services Inc.** , which administers claims for National Gypsum, Fuller-Austin and 6 other trusts. 1998-present.
- Expert to 26 Asbestos Trusts Regarding Claims, Procedures and Liability Estimation
  - Manville Trust, 1987-1988
  - UNR Asbestos Disease Claimants Trust, 1992-2002
  - National Gypsum Trust, 1994-present
  - Fibreboard Interim Trust, 1994-1997
  - Eagle-Picher Asbestos Trust, 1995-present
  - Celotex and Carey Canada Trust (expert for Future Claimants Representative), 1996-2002
  - H. K. Porter Trust, 1996-present
  - Fuller-Austin Settlement Trust, 1998-present
  - Keene Asbestos Claimants Trust, 2000-2002

- Raytech Trust, 2000-2004
- E. J. Bartels Trust, 2000-2005
- Wallace and Gale Trust, 2002-present
- Shook and Fletcher Trust, 2004-present
- Western Asbestos Trust (MacArthur) (expert for Asbestos Claimants Committee) 2005-present
- Porter Hayden Trust, 2006-present
- Combustion Engineering Trust, 2006-present
- C. E. Thurston Trust, 2007-present
- J. T. Thorpe (Texas) Trust, 2007-present
- ARTRA Trust, 2007-present
- Utex Trust, 2007-present
- API Trust (expert for Future Claimants Representative), 2008-present
- Babcock and Wilcox Trust (expert for Asbestos Claimants Committee), 2009-present
- Owens Corning / Fibreboard Trust (expert for Asbestos Claimants Committee), 2009-present
- US Gypsum Trust (expert for Asbestos Claimants Committee), 2009-present
- Burns and Roe Trust, 2009-present
- ASARCO Trust, 2010-present
- Expert on Asbestos Claims and Liability Forecasts in 44 Bankruptcy Cases
  - Testified about asbestos forecasts 23 times in 18 bankruptcy cases
    - **National Gypsum Corporation.** Testified in estimation hearing for Legal Representative for Future Claimants and Claimants Committee; testified twice after confirmation for National Gypsum Trust.
    - **Asbestos Claims Management Company (ACMC).** Testified for National Gypsum Trust.
    - **Hillsborough Holdings Corporation.** Testified during veil-piercing hearing for defendant asbestos claimants.
    - **Eagle-Picher Industries, Inc.** Testified about estimation methods during hearing on bar date, for Claimants Committee; testified in estimation hearing for Claimants Committee.
    - **Celotex and Carey Canada.** Testified in confirmation hearing for Claimants Committee.
    - **Raytech Corporation.** Testified about estimation methods during hearing on bar date, for Claimants Committee.
    - **Raymark Corporation.** Testified for Claimants Committee in hearing on dismissal of bankruptcy.

- **Wallace and Gale Corporation.** Testified in confirmation hearing for Claimants Committee.
  - **The Babcock and Wilcox Company et. al.** Testified during veil-piercing hearing for defendant asbestos claimants; testified in estimation hearing for Claimants Committee.
  - **Owens Corning and Fibreboard.** Testified in estimation hearing for Claimants Committee.
  - **Armstrong World Industries.** Testified twice in separate estimation hearings for Claimants Committee.
  - **Federal Mogul.** Testified in hearing to estimate liabilities of Turner & Newall for Claimants Committee.
  - **API Inc.** Testified in confirmation hearing for Legal Representative for Future Claimants.
  - **C. E. Thurston, Inc.** Testified in confirmation hearing for Debtor.
  - **Plibrico.** Testified in estimation hearing for Unofficial Committee of Claimants.
  - **Western Asbestos.** Testified in confirmation hearing for Debtor and Claimants Committee.
  - **J. T. Thorpe.** Testified in confirmation hearing for Debtor and Claimants Committee.
  - **Oglebay Norton.** Testified in confirmation hearing for Unofficial Committee of Claimants.
- Expert in 26 other bankruptcy Cases
- **A. P. Green**
  - **ACandS**
  - **ARTRA**
  - **ASARCO**
  - **Burns and Roe**
  - **Congoleum**
  - **E. J. Bartels, Inc.**
  - **Flintkote**
  - **Fuller-Austin Insulation Company**
  - **G-I (GAF)**
  - **H. K. Porter Company, Inc.**
  - **Hercules**
  - **Keene Corporation**
  - **Leslie Controls**
  - **Lloyd Mitchell**
  - **Narco**

- **Pittsburgh Corning Corporation**
- **Plant**
- **Porter Hayden**
- **Quigley**
- **Shook and Fletcher**
- **Skinner Engine**
- **THAN**
- **Thorpe Insulation**
- **U. S. Gypsum (USG)**
- **W. R. Grace**
- Expert on Asbestos Claims and Liability Forecasts in Insurance Matters
  - Testified About Asbestos Forecasts in Insurance Litigation
    - **Ahearn v. Fibreboard (class action).** Testified about asbestos liabilities of Fibreboard for CNA (Continental) and Chubb Insurance Companies. 1994.
    - **Fuller-Austin Insulation Company v. CNA.** Testified in court trial and in jury trial about Fuller-Austin's asbestos liabilities for Fuller-Austin Insulation Company and Fuller-Austin Trust. 2000 and 2001.
    - **Western Mac Arthur v. USF&G.** Testified about asbestos liabilities for Western Mac Arthur. 2004
  - Expert for Insurance Companies
    - **CNA (Continental).** Expert for CNA Insurance on liabilities of an asbestos defendant insured by Continental. 1999-2002.
    - **KWELM.** Expert for London Insurance Company on methods for estimating asbestos liabilities.
    - **Zurich (Bermuda).** Expert for Zurich Insurance on liabilities of an asbestos defendant insured by Zurich. 1999-2002.
- Expert for 9 asbestos defendants and other businesses regarding asbestos liabilities.
- Expert in Other Mass Torts
  - **MGM Grand Hotel Fire Insurance Litigation.** Expert for insurance companies and insurance broker Frank B. Hall, Inc. to evaluate wrongful death and personal injury claims arising from MGM Grand Hotel fire. 1982.
  - **In re Bankruptcy of Dow Corning Corporation.** Expert for Tort Claimants' Committee regarding estimation and treatment of breast implant and other medical implant claimants. 1998-99.
- Private Law practice in Los Angeles, California. 1969-1974.

## OTHER PROFESSIONAL ACTIVITIES

- California Legislature, Joint Rules Committee, Sacramento--Consultant. Supervised three research projects on prisons, sentencing, and prison alternatives.
- California Board of Prison Terms, Sacramento--Consultant. Developed computer system for reviewing disparity in felony sentencing.

## PROFESSIONAL ORGANIZATIONS

California Bar Association

## PUBLICATIONS

- “Compensating Permanent Workplace Injuries: A Study of the California System,” RAND.1998. Coauthored.
- “Findings and Recommendations of California’s Permanent Partial Disability System,” RAND, 1998. Coauthored.
- “Understanding Mass Personal Injury Litigation: A Socio-Legal Analysis,” Brooklyn Law Review, Vol. 59, Fall 1993 (coauthored).
- “Mass Justice: The Limited and Unlimited Power of Courts,” Law and Contemporary Problems, Vol. 54, Summer 1991 (coauthored).
- “Giving Away Money: Comparative Comments on Claims Facilities,” Law and Contemporary Problems, Vol. 53, Autumn 1990.
- Resolution of Mass Torts: Toward a Framework for Evaluation of Aggregative Procedures, RAND, N-2805-ICJ, 1988 (coauthored).
- “Expert Systems for Legal Decisionmaking,” in Knowledge-Based Systems for Management Decisions, Robert J. Mockler, Englewood Cliffs, NJ: Prentice Hall, 1988 (coauthored).
- Trends in Tort Litigation: The Story Behind the Statistics, RAND, R-3583-ICJ, 1987 (coauthored).
- Punitive Damages; Empirical Findings, RAND, R-3311-ICJ, 1987 (coauthored).
- Civil Juries in the 1980s: Trends in Jury Trials and Verdicts in California and Cook County Illinois, RAND, R-3466-ICJ, 1987.
- Summary of Research Results: Trends and Patterns in Civil Jury Verdicts, RAND, P-7222-ICJ, 1986.
- “SA-L: An Expert System for Evaluating Asbestos Claims,” in Proceedings of the Australian Artificial Intelligence Congress, November 1986 (coauthored).
- “Remarks on the Role of Juries in Cases Involving Medical Causation,” in Causation and Financial Compensation for Claims of Personal injury from Toxic Chemical Exposure, The Institute for Health Policy Analysis of the Georgetown University Medical Center and the Georgetown University Law Center, 1986.
- Deep Pockets, Empty Pockets: Who Wins in Cook County Courts, RAND, R-3249-ICJ, 1985

(coauthored).

- “An Expert System Approach to Evaluating Product Liability Cases,” in Computing Power and Legal Reasoning, Charles Walter (ed.), St. Paul: West Publishing Co., 1985 (coauthored).
- Evaluating Civil Claims: An Expert Systems Approach, RAND, P-7073-ICJ, 1985; also in Expert Systems: The International Journal of Knowledge Engineering, Vol. 1, No. 1, 1984 (coauthored).
- Compensation of Injuries: Civil Jury Verdicts in Cook County, RAND, R-3011-ICJ, 1984.
- New Tools for Reducing Civil Litigation Expenses, RAND, R-3013-ICJ, 1983.
- Comparative Justice: Civil Jury Verdicts in San Francisco and Cook Counties, 1959-1980, RAND, R-3006-ICJ, 1983 (coauthored).
- The Civil Jury: Trends in Trials and Verdicts, Cook County, Ill., 1960-1979, RAND, R-2881-ICJ, 1982 (coauthored). Also in Federation of Insurance Council Quarterly, Summer 1982.
- The Pace of Litigation, RAND, R-2922-ICJ, 1981 (coauthored).
- Models of Legal Decisionmaking, RAND, R-2717-ICJ, 1981 (coauthored).
- Punitive Damages: Preliminary Empirical Findings, RAND, N-2342-ICJ, 1985.
- Who Commits Crime: A Survey of Prison Inmates, Oelgeschlager, Gunn and Hain, Cambridge, 1981 (coauthored).
- Survey of Prison and Jail Inmates: Background and Method, RAND, N-1635-NIJ, 1982 (coauthored).
- California Justice Under Determinate Sentencing: A Review and Agenda for Research, RAND, R-2497-CRB, 1980 (coauthored).
- Doing Crime: A Survey of California Prison Inmates, RAND, R2200-DOJ, 1980 (coauthored).
- Recommendations and Report of the Citizens’ Advisory Committee on Alternatives to Incarceration, California Legislature, Joint Rules Committee, 1980.
- Witnesses’ Perception of Meaning, RAND, P5975, 1977.
- Results of YLS Survey on Specialization/Relicensing, RAND, P-5752, 1976.
- “Specialization and Relicensing,” Barrister Magazine, 1976.
- “Right to Jury Trial in Public Employee Strikes,” Harvard Civil Rights-Civil Liberties Law Review, 1969.

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